

Barat M. LaPorte, ABA#9511064
Oles Morrison Rinker & Baker LLP
601 West Fifth Avenue, Suite 900
Anchorage, Alaska 99501-2154
Tel: (907) 258-0106
Fax: (907) 258-5519
Email: laporte@oles.com

Attorneys for Defendants XTO Energy Inc. and Scott Griffith

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

PATHFINDER AVIATION, INC.,

Plaintiff,

v.

XTO ENERGY INC. and
SCOTT GRIFFITH,

Defendants.

Case No. 3:15-cv-00200-HRH

NOTICE OF REMOVAL

On removal from the Superior Court for
the State of Alaska, Third Judicial
District at Kenai
Case No. 3KN-15-00846 CI

TO: The Clerk of the United States District Court for the District of Alaska

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendants XTO Energy Inc.
("XTO") and Scott Griffith ("Griffith"), (collectively "Defendants"), by and through
undersigned counsel, hereby give notice and remove this case to the United States
District Court for the District of Alaska at Anchorage.

In accordance with 28 U.S.C. § 1446(a), the grounds for the removal are as
follows:

Background and Procedural Requirements.

1. XTO and Griffith are defendants in the action titled “*Pathfinder Aviation, Inc. v. XTO Energy Inc. and Scott Griffith*,” pending in the Superior Court for the State of Alaska, Third Judicial District at Kenai, Case No. 3KN-15-846CI (“State Court Action”).

2. Pathfinder Aviation, Inc. (“Pathfinder”) filed its complaint in the State Court Action on September 17, 2015.

3. XTO was served with process in the State Court Action on September 25, 2015.

4. Griffith was served with process in the State Court Action via forwarded, certified mail on October 7, 2015.

5. This Notice of Removal is timely, as it is being filed within thirty days after receipt of the initial pleading and within thirty days of service of process as required by 28 U.S.C. 1446(b), as computed pursuant to Fed.R.Civ.P. 6(a).

6. Pursuant to 28 U.S.C. § 1446(a), Defendants attach as **Exhibit A** hereto a copy of the complaint in the State Court Action.

This Court Has Jurisdiction Because the Parties Are Diverse and the Amount in Controversy Exceeds \$75,000.

7. Defendant XTO is now, and at the time this action was commenced was, a Delaware corporation with its principal place of business in the State of Texas.

8. Defendant Griffith is now, and at the time this action was commenced was, a citizen of the State of Oklahoma, domiciled and residing in Enid, Oklahoma. *See* Affidavit of Scott A. Griffith attached hereto as **Exhibit B**.

9. Plaintiff Pathfinder is an Alaska corporation with its principal place of business in the State of Alaska, Complaint at p. 1, ¶1, and seeks damages “in an amount to exceed \$100,000.” Complaint at p. 10.

10. This Court therefore has original jurisdiction over the State Court Action under 28 U.S.C. § 1332 and removal jurisdiction under 28 U.S.C. § 1441(a) and (b).

Venue and Removal Under 28 U.S.C. § 1441(a)

11. Venue is proper in this Court pursuant to 28 U.S.C. § 1446(a), as the United States District Court of the District of Alaska is the District in which the State Court Action was pending.

12. This matter is removable under 28 U.S.C. § 1441 as a civil action over which the United States District Court for the District of Alaska has original subject matter jurisdiction under 28 U.S.C. § 1332.

13. Removal is timely under 28 U.S.C. § 1446(b)(2)(B).

Effectuation of Removal.

14. Defendants XTO and Griffith hereby remove this action to the United States District Court for the District of Alaska.

15. By filing this Notice of Removal, Defendants XTO and Griffith expressly consent to the removal.

16. Pursuant to 28 U.S.C. § 1446(a), the Complaint, on file in the record of the State Court Action is attached as Exhibit A.

17. The allegations of the Notice of Removal were true at the time the State Court Action was commenced and remain true as of the date of filing of this Notice of Removal.

18. Undersigned counsel certifies that a notice of filing removal, along with a copy of this Notice of Removal, will be promptly filed with the Superior Court for the State of Alaska, Third Judicial District at Kenai.

WHEREFORE, Defendants hereby remove this action to the United States District Court for the District of Alaska.

Respectfully submitted this 16th day of October, 2015 at Anchorage, Alaska.

OLES MORRISON RINKER & BAKER LLP

By: s/Barat M. LaPorte
Barat M. LaPorte, ABA No. 9511064

*Attorneys for Defendants XTO Energy Inc.
and Scott Griffith*

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2015, a copy of the foregoing document was served electronically on the following parties:

David K. Gross
Mara E. Michaletz

OLES MORRISON RINKER & BAKER LLP

s/Barat M. LaPorte _____

4825-8392-9385, v. 1